

Court No. - 92

Case :- APPLICATION U/S 482 No. - 31277 of 2022

Applicant :- Vivek Singh

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Rajesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Rajesh Kumar Tiwari, learned counsel for the applicant, Shri J.P. Mishra, learned counsel who has filed Vakalatnama on behalf of the opposite party no. 2 in the court today, which is taken on record and Shri Rajeev Kumar Singh, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the cognizance/summoning order dated 3.1.2022 and the entire proceedings of S.S.T. No. 07 of 2022 (State Vs. Vivek Singh) under sections 504, 506 IPC and 3(1)(da), 3(1)(dha) and 3(2)v of S.C./S.T. Act arising out of Case Crime No. 97 of 2021 (charge sheet no. 1 of 2021 dated 2.9.2021) police station Sigra District Varanasi pending before the Special Judge (SC/ST Act), Varanasi.

3. Learned counsel for the applicant submits that the applicant and the opposite party no. 2 both are resident of the same colony and there was some altercation by the opposite party no. 2 who was collecting contribution for the construction of Ram Janam Bhumi Temple for which the instant FIR was lodged by the opposite party no. 2. However, on the interference of elders and well wishers both the parties have settled their dispute amicably and a compromise was executed between them on 6.9.2022. Vide order dated 17.10.2022 this court had directed the parties to appear before the trial court for verification of the compromise. Learned counsel for the applicant therefore submits that a compromise has already been executed between the parties, which has also been verified by the trial court vide order dated 9.11.2022. A report dated 15.11.2022 has been forwarded by the Special Judge (SC/ST Act), Varanasi to this court which is available on record, according to which the compromise between the parties has been verified. Therefore, learned counsel for the applicant and the learned counsel for the opposite party no. 2 jointly prayed for quashing of the entire proceedings against the applicant on the basis of compromise entered into between the parties.

4. Learned A.G.A. could not dispute the factum of compromise entered into between the parties.

5. Having heard the submissions made by learned counsel for the parties this court has carefully gone through the record of the case and perusal of the allegations made in the F.I.R. shows that there is no specific averment as to what are the words uttered by the applicant for the caste of the opposite party no. 2 and the parties who are next door neighbors and are living in the same society have amicably settled their dispute due to intervention of elders and well wishers and a compromise was executed between the parties which has also been duly verified by the trial court concerned in terms of the order dated 17.10.2022 of this court.

6. Therefore, in the light of the judgements of the Apex Court in the cases of *Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303*, *Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466* and *Prabathbai Aahir alias Prabathbai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641*, *B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675*, the instant application is **allowed** and the entire proceedings of S.S.T. No. 07 of 2022 (State Vs. Vivek Singh) under sections 504, 506 IPC and 3(1)(da), 3(1)(dha) and 3(2)v of S.C./S.T. Act arising out of Case Crime No. 97 of 2021 (charge sheet no. 1 of 2021 dated 2.9.2021) police station Sigra District Varanasi pending before the Special Judge (SC/ST Act), Varanasi are hereby quashed.

Order Date :- 23.11.2023

o.k.